

Remarks/Arguments

Applicant respectfully requests reconsideration of the rejection of the claims in view of the claim amendments above and the remarks set forth below. Claims 1-8 and 17-20 remain in the application. Claims 1-8 and 17-19 were previously presented. Claim 20 is as originally filed. Claims 9-16 were previously canceled.

35 U.S.C. §102 and §103

Claims 1-6, 8, and 17-20, stand rejected under 35 U.S.C. §102(e) as being anticipated by Webster et al. (U.S. Patent No. 7,170,880 B2, hereinafter referred to as “Webster”).

Claim 7 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Webster.

It is respectfully asserted that Webster fails to disclose:

“circuitry that receives the filtered first sample data modulated signal and the filtered second sample data modulated signal, the second sample data modulated signal up-sampled from the first sample data modulated signal, and delivers one of the filtered first sample data modulated signal and the filtered second sample data modulated signal for further processing depending on which sample data modulated signal exhibits desirable characteristics for a given operating environment,”

as described in claim 1.

Applicant notes, for purposes of clarification, the correspondence between the present claim 1 and Figure 2 of the present application. The figure illustrates an up-sampler modulator 108, which receives a first sample data modulated signal, a first filter 106 for filtering that same first sample data modulated signal, and a second filter 110, for filtering the second sample data modulated signal, produced by up-sampler modulator 108. Mux 112 receives the two filtered signals and delivers one “depending on which sample data modulated signal exhibits desirable characteristics for a given operating environment.”

The Examiner cites Webster filter 209 as representing “a first filter for filtering the first sample data modulated signal to produce a filtered first,” and Webster filter 219 as representing “a second filter (219) for filtering the the [sic] second sample data modulated signal to produce a filtered second sample data modulated signal sample data modulated signal.” (Office Action, page 3) As shown in Webster Figure 2, however, both filter 209 and filter 219 are fed by 2:1 splitter 205. Thus, the two cited filters of Webster receive the same signal.

In contrast, in the present claims, the second sample data modulated signal is an up-sampled version of the first sample data modulated signal, not merely a copy of the first sample data modulated signal. Thus, it is respectfully asserted that the arrangement of Webster filters in relationship to an up-sampling function is not representative of the arrangement required by the present claims.

Furthermore, as previously argued, multiplexer 213 of Webster selects amongst the output of the single-carrier pulse shape block 209, the output of the rate change filter 226, and the output of the combiner 223, which combines the output of the mixed carrier pulse shape digital filter 219 and the output of the rate change filter 226. None of the three inputs to the multiplexer 213 represents an up-sampled version, or filtered up-sampled version, of any of the other signals. Instead, the MUX is used to “select single-carrier packets for the single-carrier mode, to select multi-carrier packets for the multi-carrier mode, and to select mixed carrier packets for the mixed carrier mode of operation.” (Webster, column 8, line 64 to column 9, line 20)

While Webster discusses up-sampling, the discussion is with regard to the pulse shape filter, the output of which is not an input of the multiplexer, particularly in filtered form. (Webster, col. 3, lines 48-67; col. 4, lines 1-3) Thus, Webster fails to disclose “circuitry that receives the filtered first sample data modulated signal and the filtered second sample data modulated signal, the second sample data modulated signal up-sampled from the first sample data modulated signal, and delivers one of the filtered first sample data modulated signal and the filtered second sample data modulated signal for further processing depending on which

sample data modulated signal exhibits desirable characteristics for a given operating environment,” as described in currently amended claim 1.

In view of the above remarks, it is respectfully submitted there is no 35 USC 112 enabling disclosure provided by Webster which makes the present invention as claimed in claim 1 unpatentable. It is further submitted that independent claim 17 is allowable for at least the same reasons that claim 1 is allowable. Since dependent claims 2-8 and 18-20 are dependent from allowable independent claims 1 and 17, it is submitted that they too are allowable for at least the same reasons that their respective independent claims are allowable. Thus, it is further submitted that this rejection has been satisfied and should be withdrawn.

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's representative at (818) 480-5319, so that a mutually convenient date and time for a telephonic interview may be scheduled.

No fee is believed due. However, if a fee is due, please charge the additional fee to Deposit Account 07-0832.

Respectfully submitted,

David L. McNeely



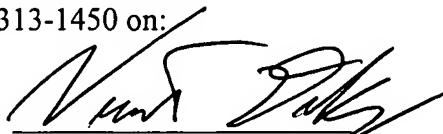
By: Vincent E. Duffy
Attorney for Applicant
Registration No. 39,964
Phone (818) 480-5319

Patent Operations
Thomson Licensing Inc.
P.O. Box 5312
Princeton, New Jersey 08543-5312
November 5, 2010

CERTIFICATE OF MAILING

I hereby certify that this amendment is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

11/5/2010
date


Vincent E. Duffy



Report to Data Base
Docket No. **P030265** Serial No. **10/573,695** Filed: **3/21/2006**

Patent No. _____
Atty: Vincent E. Duffy

Inventor(s): **David L. McNeely**
Title: **Display RF Transceiver with Multiple Tagging Modes**

APPLICATION AS FILED

Enter Date	Enter Number	Check Type	Check Items Mailed with Application
	Independent	Original-US	<input type="checkbox"/> Declaration
	Claims	Na'l	
	Claims in Excess	Divisional	<input type="checkbox"/> Statement under CFR § 1.56-013M
	20		
	Claim Pages	Continuation	<input type="checkbox"/> Assignment & Recordation Sheet
	Specification Pgs	CPA/RCE	<input type="checkbox"/> Preliminary Amendment
	Sheets of	Reissue	Priority Document -
	Drawings		
	Abstract Pages	Re-Exam	<input type="checkbox"/> IDS 1449 with References
		US Provisional	Utility Application Transmittal
	Charge	<input type="checkbox"/>	Fee Transmittal Sheet in duplicate
	AMENDMENTS	Mailed	Due
	After Rejection		Notice of Appeals
	After Final Rejection		Appeal Brief
11/5/2010	After Allowance U/R312		Reply Brief
	Supplemental		Pet. To Withdraw.
	Voluntary		REQUESTS
	Letter to Exam/Draftsperson		Ext. Time § 1.136(b)
	w/ Drawing Correction(s)		11/5/2010
	Pg(s), of Formal Dwg(s)		Charge
	OTHER		Cert. of Correction
	Lic. To For. File		OTHER
	Reg. Priority 35 USC 119		Statement NASA
			Terminal Disclaimer
	Statement DOE		Claim Disclaimer
	Statement under § 1.56		Status Letter
	IDS w/ references		Declaration
	Certificate of Mailing		Suppl. Declaration
			Missing Parts Letter

Express Mail Application
Label No.:
Date Deposited: 11/5/2010
Due
Filing Fee Exp.
Issue Fee
11/5/2010
12/1/2010
RCE Fee
Ext. Time § 1.136(a)
Add. Payment of Fee
Fee Trans. Form in duplc.
TOTAL FEE AMT.
\$810.00
OTHER
Appointment Atty/Agent
Assignment & Record form
Letter to PO
Notif. of Foreign Ref.
Correction Of Record